

SENATE BILL NO. 268

INTRODUCED BY J. SHOCKLEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT UPON CONVICTION FOR DRIVING WITHOUT THE REQUIRED INSURANCE, PROOF OF INSURANCE MUST BE PROVIDED EVERY 6 MONTHS FOR 3 YEARS BY THE REGISTERED OWNER OF THE VEHICLE INVOLVED; REQUIRING THE DEPARTMENT OF JUSTICE TO NOTIFY THE INSURER THAT THE POLICY CANNOT BE CANCELED AT THE INSURED'S REQUEST DURING THE 6-MONTH PERIOD; PROHIBITING CANCELLATION OF THE INSURANCE AT THE INSURED'S REQUEST DURING THE 6-MONTH PERIOD; PROVIDING THAT THE OFFENDER'S DRIVER'S LICENSE WILL BE SUSPENDED FOR ANY 6-MONTH PERIOD FOR WHICH THE PROOF OF INSURANCE IS NOT PROVIDED; AMENDING SECTION 61-6-304, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-6-304, MCA, is amended to read:

"61-6-304. Penalties. (1) Conviction of a first offense under 61-6-301 or 61-6-302 is punishable by a fine of not less than \$250 or more than \$500 or by imprisonment in the county jail for not more than 10 days, or both. A second conviction is punishable by a fine of \$350 or by imprisonment in the county jail for not more than 10 days, or both. A third or subsequent conviction is punishable by a fine of \$500 or by imprisonment in the county jail for not more than 6 months, or both.

(2) Upon a second or subsequent conviction under 61-6-301 or 61-6-302, the sentencing court shall order the surrender of the vehicle registration receipt and license plates for the vehicle operated at the time of the offense if that vehicle was operated by the registered owner or a member of the registered owner's immediate family or by a person whose operation of that vehicle was authorized by the registered owner. The court shall send the receipt and plates, along with a copy of the complaint and dispositional order, to the department, which shall immediately suspend the receipt and plates for a period of 90 days from the date of a second conviction or 180 days from the date of a third or subsequent conviction. The receipt and plates may not be reinstated until the expiration of that period and until proof of compliance with 61-6-301 is furnished to the department, but if the vehicle is transferred to a new owner, the new owner is entitled to register the vehicle.

(3) (a) Upon a ~~fourth and subsequent~~ conviction under 61-6-301 or 61-6-302, the court shall order the

surrender of the driver's license of the offender, if the vehicle operated at the time of the offense was registered to the offender or a member of the offender's immediate family. The court shall send the driver's license, along with a copy of the complaint and the dispositional order, to the department, which shall immediately suspend the driver's license. The department may not reinstate a driver's license suspended under this subsection until the registered owner provides the department proof of compliance with 61-6-301 and the department determines that the registered owner is otherwise eligible for licensure.

(b) The registered owner shall provide the department with proof of compliance with 61-6-301 every 6 months for 3 years following the initial provision of proof of compliance under subsection (3)(a). If proof of compliance is not provided for a 6-month period, the department shall suspend the driver's license of the offender and may not reinstate the license until the remainder of the 6-month period has expired, after which the license may be reinstated if the registered owner has provided proof of compliance.

(c) For any 6-month period for which proof of compliance is provided under subsection (3)(a) or (3)(b), the department shall notify the insurer that the insurer may not cancel the policy at the request of the insured during that 6-month period, and upon receipt of the notice the insurer may not cancel the policy at the request of the insured during that 6-month period.

(4) The court may suspend a required fine only upon a determination that the offender is or will be unable to pay the fine.

(5) A court may not defer imposition of penalties provided by this section.

(6) An offender is considered to have been previously convicted for the purposes of sentencing if less than 5 years have elapsed between the commission of the present offense and a previous conviction."

NEW SECTION. **Section 2. Applicability.** [This act] applies to insurance policies entered into or renewed after [the effective date of this act].

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